

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:	)	CHAPTER 11
	)	
BIG LOTS, INC., <i>et al.</i>	)	CASE NO. 24-11967 (JKS)
	)	
Debtors <sup>1</sup>	)	(Jointly Administered)
	)	

**OBJECTION OF DKR INVESTMENTS, LLC TO DEBTORS’  
TENTH POST-CLOSING DESIGNATION NOTICE**

DKR Investments, LLC (“Landlord”) for its Objection to the Debtors’ Tenth Post-Closing Designation Notice (D.I. 1994, the “**Designation Notice**”), including the Designation Notice proposed cure amount, respectfully states:

1. Landlord is the landlord for Debtors’ Store #1997, located at 900 Norman A. Eskridge Highway, Unit #50, Seaford, Delaware 19973 (“**Store 1997**”). In the Designation Notice, the Debtors propose to assume and assign the lease for Store 1997 (the “**Store 1997 Lease**”). In Exhibit B to the Designation Notice, the Debtors further propose that the cure amount for Store 1997 is \$0.00 (the “**Store 1997 Cure Amount**”).

2. The Store 1997 Cure Amount is incorrect. Rather than \$0.00, the actual cure amount for Store 1997 is \$57,135.73 (the “**Store 1997 Correct Cure Amount**”). The Store 1997 Correct Cure Amount is composed of:

September 2024 Rent	\$15,750.00
January 2025 Rent	\$15,750.00
February 2025 Rent	\$15,750.00
2024 Insurance (billed 01/2025)	\$8,526.40
2024-2025 Real Estate Taxes Billed August 2024	\$1,359.33
 <b>Store 1997 Correct Cure Amount</b>	 <b>\$57,135.73</b>

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<sup>1</sup> The debtors and debtors-in-possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores – PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores – CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163) INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

3. Any assumption of the Lease requires full payment of the Correct Cure Amount.

Section 365(b) provides in pertinent part as follows:

If there has been a default in an executory contract or unexpired lease of the debtor, the trustee may not assume such contract or lease unless, at the time of assumption of such contract or lease, the trustee—

(A) cures, or provides adequate assurance that the trustee will promptly cure, such default. . .

(B) compensate, or provides adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and

(C) provides adequate assurance of future performance under such contract or lease.

11 U.S.C. § 365(b)(1). The Debtors must cure all defaults of the Lease and provide adequate assurance of future performance before it may be assumed. Here, the Landlord objects to the Designation Notice to the extent it does not reflect the Store 1997 Correct Cure Amount.

4. The Landlord is reviewing the information regarding adequate assurance of future performance by the proposed assignee of the Lease and has requested additional information. The Landlord does not anticipate that it will have an issue with adequate assurance of future performance by Assignee, subject to the prompt payment of the Correct Cure Amount as set forth above.

**ROETZEL & ANDRESS LPA**

/s/ Timothy M. Reardon

Timothy M. Reardon (0059631)

6550 Seville Drive

Canfield, Ohio 44406

Phone: 330-533-6195

Fax: 330-533-6198

[treardon@ralaw.com](mailto:treardon@ralaw.com)

*Counsel for DKR Investments, LLC*